

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 290
97TH GENERAL ASSEMBLY

1088H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 453.070, RSMo, and to enact in lieu thereof one new section relating to adoption investigations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 453.070, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.070, to read as follows:

453.070. 1. Except as provided in subsection 5 of this section, no decree for the adoption of a child under eighteen years of age shall be entered for the petitioner or petitioners in such adoption as ordered by the juvenile court having jurisdiction, until a full investigation, which includes an assessment of the adoptive parents, an appropriate postplacement assessment and a summary of written reports as provided for in section 453.026, and any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child, has been made. The report shall also include a statement to the effect that the child has been considered as a potential subsidy recipient.

2. Such investigation shall be made, as directed by the court having jurisdiction, either by the division of family services of the [state] department of social services, a juvenile court officer, a licensed child-placement agency, a social worker [licensed pursuant to chapter 337], **a professional counselor, or a psychologist licensed under chapter 337 and associated with a licensed child-placement agency**, or other suitable person appointed by the court. The results of such investigation shall be embodied in a written report that shall be submitted to the court within ninety days of the request for the investigation.

3. The department of social services, division of family services, shall develop rules and regulations regarding the content of the assessment of the petitioner or petitioners. The content of the assessment shall include but not be limited to, a report on the condition of the petitioner's

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 home and information on the petitioner's education, financial, marital, medical and psychological
20 status and criminal background check. If an assessment is conducted after August 28, 1997, but
21 prior to the promulgation of rules and regulations by the department concerning the contents of
22 such assessment, any discrepancy between the contents of the actual assessment and the contents
23 of the assessment required by department rule shall not be used as the sole basis for invalidating
24 an adoption. No rule or portion of a rule promulgated pursuant to the authority of this section
25 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

26 4. The assessment of petitioner or petitioners shall be submitted to the petitioner and to
27 the court prior to the scheduled hearing of the adoptive petition.

28 5. In cases where the adoption or custody involves a child under eighteen years of age
29 that is the natural child of one of the petitioners and where all of the parents required by this
30 chapter to give consent to the adoption or transfer of custody have given such consent, the
31 juvenile court may waive the investigation and report, except the criminal background check, and
32 enter the decree for the adoption or order the transfer of custody without such investigation and
33 report.

34 6. In the case of an investigation and report made by the division of family services by
35 order of the court, the court may order the payment of a reasonable fee by the petitioner to cover
36 the costs of the investigation and report.

37 7. Any adult person or persons over the age of eighteen, who, as foster parent or parents,
38 have cared for a foster child continuously for a period of nine months or more and bonding has
39 occurred as evidenced by the positive emotional and physical interaction between the foster
40 parent and child, may apply to such authorized agency for the placement of such child with them
41 for the purpose of adoption if the child is eligible for adoption. The agency and court shall give
42 preference and first consideration for adoptive placements to foster parents. However, the final
43 determination of the propriety of the adoption of such foster child shall be within the sole
44 discretion of the court.

45 8. (1) Nothing in this section shall be construed to permit discrimination on the basis
46 of disability or disease of a prospective adoptive parent.

47 (2) The disability or disease of a prospective adoptive parent shall not constitute a basis
48 for a determination that the petitioner is unfit or not suitable to be an adoptive parent without a
49 specific showing that there is a causal relationship between the disability or disease and a
50 substantial and significant risk of harm to a child.

✓